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This order shall continue in force until revoked by the President or by an act of Congress.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,  
December 2, 1938.

[No. 8020]

[F. R. Doc. 38-3646; Filed, December 3, 1938; 11:32 a. m.]

#### Rules, Regulations, Orders

##### TITLE 6—AGRICULTURAL CREDIT FARM CREDIT ADMINISTRATION

[FCA 106]

##### ELIGIBILITY OF SALARIED OFFICERS AND SALARIED EMPLOYEES OF PRODUCTION CREDIT ASSOCIATIONS

DECEMBER 5, 1938.

Sec. 50.102 (d) of Title 6, Code of Federal Regulations, is amended by adding the following paragraph:

"(8) Except with the prior approval of the Governor, no individual shall be eligible to become or be a salaried officer or salaried employee if during his term of office or employment he also is or becomes a candidate for, or is or becomes the holder of any elective or appointive public office that is remunerative. (Sec. 20, 48 Stat. 259; 12 U. S. C. 1131d.) (Rules and Regulations for Production

Credit Associations, as amended by Revision No. 12, December 5, 1938.)"

S. M. GARWOOD,  
Production Credit Commissioner.

[F. R. Doc. 38-3660; Filed, December 5, 1938; 10:58 a. m.]

#### TITLE 7—AGRICULTURE

##### AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Form 38-Tobacco-38, Supp. 1]

##### SUPPLEMENT TO PROCEDURE FOR THE DETERMINATION OF FIRE-CURED AND DARK AIR-CURED TOBACCO FARM MARKETING QUOTAS FOR 1938

Form 38-Tobacco-38, "Procedure for the Determination of Fire-Cured and Dark Air-Cured Tobacco Farm Marketing Quotas for 1938," is amended as follows:

Paragraph (b) of section 1, part I, is amended to read as follows:

"(b) Base 1938 production means the number of pounds obtained by multiplying the farm yield by 200 percent of the 1938 tobacco acreage."

Item (ii) of paragraph (b) of section 3, part II is amended to read as follows:

"(ii) the amount of decrease shall not exceed the smaller of (A) 25 percent of the normal past marketings, or (B) the amount by which the normal past marketings exceeds the smallest of the three-year average, 2,400 pounds, or 63.75 percent of the base 1938 production; and"

Paragraph (c) of section 5, part II, is amended to read as follows:

"(c) A minimum allotment will be made to every old farm in the State for which there would be obtained, by taking the percentage determined pursuant to (b) above of the normal marketings for the farm, a number of pounds equal to or less than the smallest of (i) 2400 pounds, or (ii) the farm's three-year average, or (iii) 63.75 percent of the farm's base 1938 production. The minimum allotment for any such farm will be the smallest of (i) 2400 pounds or (ii) the farm's three-year average, or (iii) 63.75 percent of the farm's base 1938 production, and such allotment, unless increased pursuant to subsection (h) shall constitute the farm marketing quota."

Paragraph (g) of section 5, part II, is amended to read as follows:

"(g) There will be computed for each old farm in the State the difference by which the amount allotted pursuant to the foregoing subsections is less than the smaller of (i) 80 percent of the farm's three-year average, or (ii) 63.75 percent of the base 1938 production. The total of all such differences for all old farms in the State will be reduced to an

amount equal to 2 percent of the State marketing quota. This reduction will be made by reducing the difference for each farm by the percentage which 2 percent of the State marketing quota is of the total of the differences for all farms. The amount of the farm's difference as so reduced will be added to the farm's allotment and the sum thereof will be the amount of the farm marketing quota unless further increased pursuant to subsection (h) below.

Done at Washington, D. C. this 3d day of December 1938. Witness the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary.

[F. R. Doc. 38-3654; Filed, December 3, 1938;  
12:42 p. m.]

**DETERMINATION OF THE APPORTIONMENT AND ADJUSTMENT OF THE NATIONAL MARKETING QUOTA FOR BURLEY TOBACCO FOR THE 1938-39 MARKETING YEAR**

Pursuant to Section 313 of the Agricultural Adjustment Act of 1938 (approved February 16, 1938), as amended, I, H. A. Wallace, Secretary of Agriculture, do hereby determine that the national marketing quota for Burley tobacco for the 1938-39 marketing year, as proclaimed by the Secretary of Agriculture on March 28, 1938,<sup>1</sup> be apportioned and adjusted in accordance with the following table:

States and new farms (i. e., farms on which tobacco is produced for the first time in 5 years)	Apportionment of national marketing quota proclaimed March 28, 1938	Adjustment pursuant to section 313 (i. e., 2% increase, all States)	Totals as apportioned and adjusted
(1)	(2)	(3)	(4)
Ohio.....	1,000 pounds	1,000 pounds	1,000 pounds
Indiana.....	11,484	229.7	11,713.7
Missouri.....	8,837	177.1	9,014.1
Kansas.....	5,207	104.1	5,311.1
Virginia.....	332	6.6	338.6
West Virginia.....	12,032	240.7	12,272.7
North Carolina.....	2,812	56.2	2,868.2
Kentucky.....	8,095	161.9	8,256.9
Tennessee.....	235,969	4,719.4	240,688.4
South Carolina.....	57,134	1,142.7	58,276.7
Georgia.....	13	.3	13.3
Alabama.....	35	.7	35.7
Arkansas.....	111	2.2	113.2
Oklahoma.....	26	.5	26.5
Illinois.....	5	.1	.1
New Farms.....	13	.3	13.3
United States.....	350,000	6,842.5	356,842.5

Done at Washington, D. C., this 3d day of December, 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-3664; Filed, December 5, 1938;  
12:23 p. m.]

<sup>1</sup> 3 F. R. 769 D1.

**SUPPLEMENT TO PROCEDURE FOR THE DETERMINATION OF BURLEY TOBACCO FARM MARKETING QUOTAS FOR 1938**

Form 38—Tobacco—29, "Procedure for the Determination of Burley Tobacco Farm Marketing Quotas for 1938," is amended as follows:

Paragraph (g) of section 5, part II, is amended to read as follows:

"(g) There will be computed for each old farm in the State the difference by which the amount allotted pursuant to the foregoing subsections is less than the smaller of (i) the farm's three-year average, or (ii) 85 percent of the base 1938 production. The total of all such differences for all old farms in the State will be reduced to an amount equal to 2 percent of the State marketing quota. This reduction will be made by reducing the difference for each farm by the percentage which 2 percent of the State marketing quota is of the total of the differences for all farms. The amount of the farm's difference as so reduced will be added to the farm's allotment and the sum thereof will be the amount of the farm marketing quota unless further increased pursuant to subsection (h) below."

Done at Washington, D. C., this 3d day of December, 1938. Witness the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,  
Secretary.

[F. R. Doc. 38-3665; Filed, December 5, 1938;  
12:23 p. m.]

**TITLE 26—INTERNAL REVENUE  
BUREAU OF INTERNAL REVENUE**

[T. D. 4876]

**REGULATIONS UNDER SECTION 909, TITLE IX, OF THE SOCIAL SECURITY ACT, RELATING TO ALLOWANCE OF ADDITIONAL CREDIT AGAINST TAX UNDER THAT TITLE WHERE CONTRIBUTIONS TO STATE ARE AT REDUCED RATE**

**REGULATIONS 90 AMENDED**

To Collectors of Internal Revenue and Others Concerned:

Regulations 90, approved February 17, 1936, as amended, relating to the excise tax on employers under Title IX of the Social Security Act, are further amended (1) by eliminating article 212 and (2) by inserting immediately after article 211 the following:

**SECTION 909 OF THE ACT**

Sec. 909. (a) In addition to the credit allowed under section 902, a taxpayer may, subject to the conditions imposed by section 910, credit against the tax imposed by section 901 for any taxable year after the taxable year 1937, an amount, with respect

to each State law, equal to the amount, if any, by which the contributions, with respect to employment in such taxable year, actually paid by the taxpayer under such law before the date of filing his return for such taxable year, is exceeded by whichever of the following is the lesser—

(1) The amount of contributions which he would have been required to pay under such law for such taxable year if he had been subject to the highest rate applicable from time to time throughout such year to any employer under such law; or

(2) Two and seven-tenths per centum of the wages payable by him with respect to employment with respect to which contributions for such year were required under such law.

(b) If the amount of the contributions actually so paid by the taxpayer is less than the amount which he should have paid under the State law, the additional credit under subsection (a) shall be reduced proportionately.

(c) The total credits allowed to a taxpayer under this title shall not exceed 90 per centum of the tax against which such credits are taken.

**SECTION 910 OF THE ACT**

Sec. 910. (a) A taxpayer shall be allowed the additional credit under section 909, with respect to his contribution rate under a State law being lower, for any taxable year, than that of another employer subject to such law, only if the Board finds that under such law—

(1) Such lower rate, with respect to contributions to a pooled fund, is permitted on the basis of not less than three years of compensation experience;

(2) Such lower rate, with respect to contributions to a guaranteed employment account, is permitted only when his guaranty of employment was fulfilled in the preceding calendar year, and such guaranteed employment account amounts to not less than 7½ per centum of the total wages payable by him, in accordance with such guaranty, with respect to employment in such State in the preceding calendar year;

(3) Such lower rate, with respect to contributions to a separate reserve account, is permitted only when (A) compensation has been payable from such account throughout the preceding calendar year, and (B) such account amounts to not less than five times the largest amount of compensation paid from such account within any one of the three preceding calendar years, and (C) such account amounts to not less than 7½ per centum of the total wages payable by him (plus the total wages payable by any other employers who may be contributing to such account) with respect to employment in such State in the preceding calendar year.

(b) Such additional credit shall be reduced, if any contributions under such law are made by such taxpayer at a lower rate under conditions not fulfilling the requirements of subsection (a), by the amount bearing the same ratio to such additional credit as the amount of contributions made at such lower rate bears to the total of his contributions paid for such year under such law.

(c) As used in this section—

(1) The term "reserve account" means a separate account in an unemployment fund, with respect to an employer or group of employers, from which compensation is payable only with respect to the unemployment of individuals who were in the employ of such employer, or of one of the employers comprising the group.

(2) The term "pooled fund" means an unemployment fund or any part thereof in which all contributions are mingled and undivided, and from which compensation is payable to all eligible individuals, except that to individuals last employed by em-

<sup>1</sup> 3 F. R. 2557 D1.

ployers with respect to whom reserve accounts are maintained by the State agency. It is payable only when such accounts are exhausted.

(3) The term "guaranteed employment account" means a separate account, in an unemployment fund, of contributions paid by an employer (or group of employers) who

(A) guarantees in advance thirty hours of wages for each of forty calendar weeks (or more, with one weekly hour deducted for each added week guaranteed) in twelve months, to all the individuals in his employ in one or more distinct establishments, except that any such individual's guaranty may commence after a probationary period (included within twelve or less consecutive calendar weeks), and

(B) gives security or assurance, satisfactory to the State agency, for the fulfillment of such guarantees.

from which account compensation shall be payable with respect to the unemployment of any such individual whose guaranty is not fulfilled or renewed and who is otherwise eligible for compensation under the State law.

(4) The term "year of compensation experience", as applied to an employer, means any calendar year throughout which compensation was payable with respect to any individual in his employ who became unemployed and was eligible for compensation.

**ART. 212. Additional credit against tax.**—(a) *General.* In addition to the credit against tax allowable under section 902 for contributions actually paid (see article 211), the taxpayer may be entitled to a further credit under section 909. This further or *additional* credit is allowable to the taxpayer with respect to the amount of contributions which he is relieved from paying to a State. Generally, an additional credit is available to an employer if, by reason of having stabilized the employment of his employees in any State, or for some other reason, he is granted a "merit rate" under the unemployment compensation law of the State and is therefore permitted to pay contributions to such State for the calendar year, or portion thereof, at a lower rate than the highest rate applicable under such law for the corresponding period. For the purposes of this article and article 213, the phrase "the highest rate applicable" means the highest rate provided by or under the State law even though such rate is not actually applied to any employer. The computation of the additional credit and the limitations upon its allowance are set forth in the remaining paragraphs of this article.

(b) *Amount of the additional credit allowable with respect to a State law.*—(1) *Method of computation.* In ascertaining the additional credit for a taxable year with respect to a particular State law, the taxpayer must first compute the following three amounts:

(A) The amount of contributions which the taxpayer would have been required to pay under the State law for the calendar year (whether or not such contributions are with respect to employment as defined in section 907 (c)) if, for each period for which contributions under such law were payable, he had been subjected to the highest rate applicable under such law for such period.

(B) 2.7 percent of the wages payable by the taxpayer with respect to *employment* (as defined in section 907 (c)), with respect to which contributions for such year were required under such law.

(C) The amount of contributions the taxpayer actually paid to such State, before the date the Federal return on Form 940 for such year is required to be filed, with respect to *employment* (as defined in section 907 (c)) in such calendar year. The amount computed under (C) should then be subtracted from the amount arrived at under (A) or (B), whichever is the lesser, and the result will be the additional credit for the taxable year with respect to the law of that State. (For the amount of such additional credit allowable if State contributions are not paid in full, see (2) below. For the amount of such additional credit allowable if part of the contributions are paid at a lower rate under conditions not fulfilling the requirements of section 910 (a), see (3) below.)

*Example.*—A employs individuals in State X only, where contributions were payable monthly. For each month throughout the calendar year the highest rate applicable under the law of State X for such year was 3 percent of the wages payable. However, under the law of such State, A had obtained a merit rate of 1 percent and paid the entire amount of each month's contributions at that rate before the date on which his Federal return on Form 940 was required to be filed for the calendar year. The amount of wages payable by A for the year with respect to employment was \$25,000 and the rate of Federal tax was 3 percent. A's additional credit under section 909 for the year is \$425, computed as follows:

Total wages payable.....	\$25,000
State contributions at 3 percent (highest rate).....	750
2.7 percent of wages payable (with respect to employment).....	675
Less: State contributions (with re- spect to employment) actual- ly paid at merit rate of 1 percent.....	250

Additional credit to A..... 425

Since the lesser amount in this example is 2.7 percent of the wages payable with respect to employment, it is from this amount that the State contributions actually paid at the merit rate (\$250) are deducted to ascertain the additional credit (\$425). Thus A is entitled to credit under section 902 of \$250 for contributions paid to the State and an additional credit under section 909 of \$425, or a total credit of \$675 against the Federal Tax (such amount not being more than 90 percent of the Federal tax of \$750).

(2) *Reduction of State contributions are not paid in full.* If before the date the Federal return on Form 940 for a calendar year is required to be filed, a taxpayer pays a State less than the total amount of contributions required of him under such State law with respect to em-

ployment (as defined in section 907 (c)) in such calendar year, the additional credit computed as provided in (1) above shall be reduced by an amount equal to the portion of such contributions not actually paid before the date upon which such return is required to be filed. (See section 909 (b).) The additional credit as so reduced shall be the amount of the additional credit allowable for the taxable year with respect to the law of that State. (But see (3) below if part of the contributions are paid at a lower rate under conditions not fulfilling the requirements of section 910 (a).)

*Example.*—B employs individuals in State Y only, where contributions were payable monthly, the amount of wages payable for the year being \$25,000. For each month throughout the calendar year the highest rate applicable under the law of State Y for such year was 3.6 percent of the wages payable. Under the law of such State, B had obtained a merit rate of nine-tenths of one percent. His total required State contributions is, therefore, \$225. However, before the date on which the Federal return on Form 940 was required to be filed, B actually paid State Y only one half, or \$112.50, of the contributions with respect to employment at the merit rate. B's additional credit allowable under section 909 for the year is \$450, computed as follows:

Total wages payable.....	\$25,000.00
State contributions at 3.6 percent (highest rate).....	900.00

2.7 percent of wages payable (with respect to employment).....	675.00
Less: State contributions (with re- spect to employment) actual- ly paid at merit rate of 9 percent.....	112.50

Additional credit com- puted as provided in article 212 (b) (1).....	562.50
Less: Amount of State contribu- tions (with respect to em- ployment) not actually paid before date Federal return required to be filed.....	112.50

Additional credit allow- able to B.....	450.00
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(3) *Where contributions are paid in part under conditions not fulfilling the requirements of section 910 (a).* If a taxpayer claims an additional credit in accordance with the provisions of section 909 by reason of contributions paid to the State for a calendar year at a reduced rate under conditions not fulfilling the requirements of section 910 (a) of the Act as well as by reason of contributions paid to such State at a reduced rate under conditions fulfilling the requirements of section 910 (a), such additional credit shall be reduced by the amount bearing the same ratio to such additional credit as the amount of the taxpayer's contributions made at the reduced rate under conditions not fulfilling the requirements of such section bears to the total of his contributions paid for such year under such law.

(c) *Amount of additional credit allowable where contributions are paid under more than one State law.* If the taxpayer makes contributions at a reduced rate to more than one State in any one calendar year, the additional credit allowable with respect to each State law shall be computed separately (in accordance with (b) above), and the total additional credit allowable against the tax shall be the aggregate of the additional credits allowable with respect to each State law.

(d) *Limitations on the allowance of the additional credit.* The allowance of the additional credit under section 909 is subject to the following limitations—

(1) In no case is a taxpayer entitled to an additional credit unless under the State law he is permitted to pay contributions for a calendar year or portion thereof at a rate which is lower than the highest rate applicable under such State law for the corresponding period. If the State law does not make provision for such a lower rate no additional credit is available to the taxpayer and he can take only the credit allowable under section 902 for contributions actually paid. (See article 211.)

(2) No additional credit shall be allowed with respect to calendar years prior to the calendar year 1938.

(3) The aggregate of such additional credit and the credit under section 902 (see article 211) shall not exceed 90 percent of the tax against which credit is taken.

(4) No additional credit may be taken with respect to contributions under a State law for any calendar year unless the Social Security Board has found that a lower rate with respect to such contributions is permitted in conformance with the conditions specified in section 910 (a) of the Act.

ART. 213. *Proof of credit—(a) Credit under section 902.* Credit against the tax for contributions paid into State unemployment funds shall not be allowed unless there is submitted to the Commissioner:

(1) A certificate of the proper officer of each State (the laws of which required the contributions to be paid) showing, for the taxpayer—

(A) The total amount of required contributions with respect to employment during the calendar year (exclusive of penalties and interest) actually paid *before* the date the Federal return is required to be filed; and

(B) The amounts and dates of payment of required contributions with respect to employment during the calendar year (exclusive of penalties and interest) actually paid *on or after* the date the Federal return is required to be filed.

(2) An affidavit by the taxpayer that no part of any payment made by him into a State unemployment fund, which is claimed as a credit against the tax,

was deducted or is to be deducted from the wages of individuals in his employ.

(3) Such other or additional proof as the Commissioner may deem necessary to establish the right to the credit provided for under section 902.

(b) *Additional credit under section 909.* Additional credit under section 909 of the Act shall not be allowed unless there is submitted to the Commissioner, in addition to the proof required by paragraph (a) above:

(1) A certificate of the proper officer of each State (with respect to the laws of which the additional credit is claimed) showing, for the taxpayer who pays contributions to such State at a rate which is lower than the highest rate applicable under the law of such State—

(A) The total remuneration, with respect to which contributions were required to be paid by the taxpayer under the State law, for each period during the calendar year for which contributions are payable;

(B) The highest rate of contributions applicable under the law of the State for each period for which contributions are payable during the calendar year; and

(C) The rate applied to the taxpayer for each period for which contributions are payable during the calendar year.

(2) Such other or additional proof as the Commissioner may deem necessary to establish the right to the additional credit provided for under section 909.

This Treasury Decision is prescribed under the authority contained in section 908 of the Social Security Act.

[SEAL] GUY T. HELVERING,  
Commissioner of Internal Revenue.

Approved, November 30, 1938.

JOHN W. HANES,  
Acting Secretary of the Treasury.

[F. R. Doc. 38-3652: Filed, December 3, 1938;  
12:07 p. m.]

#### TITLE 31—MONEY AND FINANCE: TREASURY

##### PUBLIC DEBT SERVICE

[1938—Department Circular No. 598]

#### UNITED STATES OF AMERICA 2 1/4 PERCENT TREASURY BONDS OF 1960-65

DECEMBER 5, 1938.

##### I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2 1/4 percent bonds of the United States, designated Treasury Bonds of 1960-65. The amount of the offering is \$400,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to

accept all subscriptions for which Treasury Notes of Series C-1939, maturing March 15, 1939, are tendered in payment and accepted.

##### II. DESCRIPTION OF BONDS

1. The bonds will be dated December 15, 1938, and will bear interest from that date at the rate of 2 1/4 percent per annum, payable semiannually on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1965, but may be redeemed at the option of the United States on and after December 15, 1960, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate \$5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

##### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may

submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Notes of Series C-1939 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

#### IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted on cash subscriptions must be made or completed on or before December 15, 1938, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district. Treasury Notes of Series C-1939, maturing March 15, 1939, with coupon dated March 15, 1939, attached, will be accepted at par in payment for any bonds subscribed for and allotted, and should accompany the subscription. Accrued interest from September 15, 1938, to December 15, 1938, on the maturing notes (\$3.770718 per \$1,000) will be paid following acceptance of the notes.

#### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the

basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,  
*Secretary of the Treasury.*

[F. R. Doc. 38-3666; Filed, December 5, 1938;  
12:37 p. m.]

[1938—Department Circular No. 599]

#### UNITED STATES OF AMERICA 2 PERCENT TREASURY BONDS OF 1947

DECEMBER 5, 1938.

##### I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1947, in payment of which only Treasury Notes of Series C-1939, maturing March 15, 1939, may be tendered. The amount of the offering under this circular will be limited to the amount of Treasury Notes of Series C-1939 tendered and accepted.

##### II. DESCRIPTION OF BONDS

1. The bonds will be dated December 15, 1938, and will bear interest from that date at the rate of 2 percent per annum, payable semiannually on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1947, and will not be subject to call for redemption prior to maturity.

2. The bonds shall be exempt, both as to principal and interest, from all taxation now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority, except (a) estate or inheritance taxes, or gift taxes, and (b) graduated additional income taxes, commonly known as surtaxes, and excess-profits and war-profits taxes, now or hereafter imposed by the United States, upon the income or profits of individuals, partnerships, associations, or corporations. The interest on an amount of bonds authorized by the Second Liberty Bond Act, approved September 24, 1917, as amended, the principal of which does not exceed in the aggregate \$5,000, owned by any individual, partnership, association, or corporation, shall be exempt from the taxes provided for in clause (b) above.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of \$50, \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

#### III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

#### IV. PAYMENT

1. Payment at par for bonds allotted hereunder must be made or completed on or before December 15, 1938, or on later allotment, and may be made only in Treasury Notes of Series C-1939, maturing March 15, 1939, which will be accepted at par, and should accompany the subscription. Coupons dated March 15, 1939, must be attached to the notes when surrendered, and accrued interest from September 15, 1938, to December 15, 1938, (\$3.770718 per \$1,000), will be paid following acceptance of the notes.

#### V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue

allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

(SEAL) HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 38-3667; Filed, December 5, 1938;  
12:37 p. m.]

[1938—Department Circular No. 600]

UNITED STATES OF AMERICA 1 1/2 PERCENT  
TREASURY NOTES OF SERIES B-1943

DECEMBER 5, 1938.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, approved September 24, 1917, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 1 1/2 percent notes of the United States, designated Treasury Notes of Series B-1943. The amount of the offering is \$300,000,000, or thereabouts, with the right reserved to the Secretary of the Treasury to increase the offering by an amount sufficient to accept all subscriptions for which Treasury Notes of Series C-1939, maturing March 15, 1943, are tendered in payment and accepted.

II. DESCRIPTION OF NOTES

1. The notes will be dated December 15, 1938, and will bear interest from that date at the rate of 1 1/2 percent per annum, payable semiannually on June 15 and December 15 in each year until the principal amount becomes payable. They will mature December 15, 1943, and will not be subject to call for redemption prior to maturity.

2. The notes shall be exempt, both as to principal and interest, from all taxation (except estate or inheritance taxes, or gift taxes) now or hereafter imposed by the United States, any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be accepted at par during such time and under such rules and regulations as shall be prescribed or approved by the Secretary of the Treasury in payment of income and profits taxes payable at the maturity of the notes.

4. The notes will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege.

5. Bearer notes with interest coupons attached will be issued in denominations of \$100, \$500, \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Cash subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Cash subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Subject to these reservations, subscriptions in payment of which Treasury Notes of Series C-1939 are tendered will be allotted in full. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted on cash subscriptions must be made or completed on or before December 15, 1938, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for notes allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve bank of its district. Treasury Notes of Series C-1939, maturing March 15, 1939, with coupon dated March 15, 1939, attached, will be accepted at par in payment for any notes subscribed for and allotted, and should accompany the subscription. Accrued interest from September 15, 1938, to December 15,

1938, on the maturing notes (\$3,770,718 per \$1,000) will be paid following acceptance of the notes.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

(SEAL) HENRY MORGENTHAU, Jr.,  
Secretary of the Treasury.

[F. R. Doc. 38-3668; Filed, December 5, 1938;  
12:37 p. m.]

TITLE 33—NAVIGATION AND  
NAVIGABLE WATERS  
WAR DEPARTMENT

REGULATIONS TO GOVERN THE OPENING OF  
THE DRAWBRIDGE OF THE SOUTHERN RAIL-  
WAY SYSTEM ACROSS THREE MILE CREEK,  
MOBILE, ALABAMA<sup>1</sup>

THE LAW

The River and Harbor Act of August 18, 1894, contains the following section:

[Here follows, in the original document the text of Section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362), which may be found at 3 F. R. 1056 D.1.]

THE REGULATIONS

In pursuance of the aforementioned law, the following regulations are prescribed to govern the opening of the drawbridge of the Southern Railway System across Three Mile Creek, Mobile, Alabama:

1. The owner or agency controlling the bridge will not be required to keep a bridge tender in attendance between the hours of 8:30 P. M. and 4:30 A. M.

2. Whenever, in the event of an emergency, a vessel is required to pass through the draw span between these hours, the draw shall be opened promptly upon receipt of notice by the bridge tender who is domiciled in the immediate vicinity of the bridge.

3. The owner of or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time,

<sup>1</sup> These regulations are supplemental to Title 33 of the Federal Register Code.

a copy of these regulations, together with a notice stating exactly how the bridge tender specified in paragraph two may be reached.

4. These regulations are supplemental to the "Rules and Regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries", and shall take effect and be in force on and after December 1, 1938.

Approved, November 21, 1938.

[SEAL] HARRY H. WOODRING,  
Secretary of War.

[F. R. Doc. 38-3657; Filed, December 5, 1938;  
10:10 a.m.]

#### TITLE 37—PATENTS AND COPYRIGHTS

##### COPYRIGHT OFFICE

###### REGISTRATION OF CLAIMS TO COPYRIGHT RULE 39 AMENDED

The first paragraph of Rule 39 of the Rules and Regulations for the Registration of Claims to Copyright (Copyright Office Bulletin No. 15, p. 16) is supplemented to read as follows:

"If special registration is requested for any contribution to a periodical, one complete copy of the number of the periodical in which the contribution appears should be deposited promptly after publication. The contribution to a periodical herein referred to includes any writing of an author published with copyright notice in any given number of a periodical."

C. L. BOUVÉ,  
Register of Copyrights.

Approved:

HERBERT PUTNAM,  
Librarian of Congress,  
NOVEMBER 2, 1938.

[F. R. Doc. 38-3644; Filed, December 3, 1938;  
10:13 a.m.]

#### TITLE 43—PUBLIC LANDS BUREAU OF RECLAMATION

[No. 9]

##### OWYHEE IRRIGATION PROJECT, OREGON- IDAHO, SUCCOR CREEK DIVISION

##### PUBLIC NOTICE OPENING PUBLIC LANDS TO ENTRY AND ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC AND PRIVATE LANDS

NOVEMBER 18th, 1938.

1. *Land for which water will be furnished.*—In pursuance of the act of June 17, 1902, (32 Stat., 388) and acts amendatory thereof or supplementary thereto, announcement is hereby made that upon

proper water-rental application being made therefor, water will be furnished on a rental basis under the Succor Creek Division of the Owyhee Irrigation Project, Oregon-Idaho, in the irrigation season of 1939 and thereafter until further notice, for the irrigable lands shown on farm unit plats for Township 23 S., Range 47 E., Willamette Principal Meridian, Oregon; and Townships 2 and 3 N., Ranges 4, 5 and 6 W., Boise Principal Meridian, Idaho, and, beginning on December 15, 1938, entry may be made in accordance with this notice for the following described vacant farm units, to-wit:

##### Boise Meridian, Idaho

	Irrigatable Acres
Township 2 North, Range 4 West:	
Section 8, farm unit A—S $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 8 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ .	
Sec. 17	58
Section 9, farm unit A—S $\frac{1}{4}$ SE $\frac{1}{4}$	29
Section 10, farm unit A—E $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 10 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 15.	64
Section 17, farm unit:	
B—NE $\frac{1}{4}$	83
C—SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ SW $\frac{1}{4}$	51
D—N $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$	44
E—S $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 17 and NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 20	40
Section 18, farm unit:	
A—Lot 1, Lot 2	46
B—SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$	74
C—Lot 3, Lot 4 and E $\frac{1}{4}$ SW $\frac{1}{4}$	54
Section 19, farm unit A—N $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 19 and NW $\frac{1}{4}$ SW $\frac{1}{4}$ , Sec. 20	17
Township 2 North, Range 5 West:	
Section 5, farm unit A—Lot 3, Lot 4 and SW $\frac{1}{4}$ NW $\frac{1}{4}$	47
Section 8, farm unit:	
A—SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$	80
B—SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 5 and E $\frac{1}{4}$ NE $\frac{1}{4}$ , Sec. 8	72
C—SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 5, and NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , Sec. 8	67
Township 3 North, Range 5 West:	
Section 6, farm unit D—Lot 6 and NE $\frac{1}{4}$ SW $\frac{1}{4}$	69
Section 19, farm unit A—Lot 1, Lot 2 and E $\frac{1}{4}$ NW $\frac{1}{4}$	90
Section 29, farm unit:	
A—N $\frac{1}{4}$ NW $\frac{1}{4}$	75
B—S $\frac{1}{4}$ NW $\frac{1}{4}$	78
C—N $\frac{1}{4}$ SW $\frac{1}{4}$	75
D—S $\frac{1}{4}$ SW $\frac{1}{4}$	59
Section 30, farm unit:	
A—N $\frac{1}{4}$ NE $\frac{1}{4}$	53
B—Lot 4 and SE $\frac{1}{4}$ SW $\frac{1}{4}$	48
Section 31, farm unit:	
A—Lot 1, NW $\frac{1}{4}$ NE $\frac{1}{4}$ and NE $\frac{1}{4}$ NW $\frac{1}{4}$	80
B—Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$	80
Township 3 North, Range 6 West:	
Section 23, farm unit B—Lot 5, Lot 6 and NE $\frac{1}{4}$ SW $\frac{1}{4}$	47
Section 25:	
A—E $\frac{1}{4}$ NW $\frac{1}{4}$	40
C—S $\frac{1}{4}$ SW $\frac{1}{4}$	35
Section 26, A—S $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{4}$ SE $\frac{1}{4}$	26

The farm unit plats referred to above were approved on the date of this notice and are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, and in the local land offices at The Dalles, Oregon, and Blackfoot, Idaho.

2. *Limit of acreage for which entry may be made or water rental secured.*—For the farm units described above, and any other lands covered by this notice

which may become subject to homestead entry the limit of area of public land per entry, representing the area which, in the opinion of the Secretary of the Interior, may be reasonably required for the support of a family upon such land, is fixed at the amounts shown upon the said farm unit plats for the respective farm units thereon. The maximum limit of area for which water rental application may be made for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Filing of water rental applications.*—Water rental applications for entered lands and lands in private ownership must be filed in the office of the Construction Engineer and such applications may be made on or after the date of this notice. For public land farm units the water rental applications must be made in accordance with the conditions hereinafter stated.

4. *Preference rights to ex-service men.*—Pursuant to the provisions of Joint Public Resolution No. 85, 71st Congress, approved June 12, 1930 (46 Stat., 580), and until March 15, 1939, the farm units described above will be open to entry only by officers, soldiers, sailors, or marines who have served in the Army or Navy of the United States, in any war, military occupation, or military expedition, and have been honorably separated or discharged therefrom or placed in the regular Army or Naval Reserve. The same preference rights are applicable to those citizens of the United States who served with the allied armies during the World War and who were honorably discharged, upon their resumption of citizenship in the United States, provided the service with the allied armies was similar to the service with the Army of the United States for which recognition is granted in the aforesaid Public Resolution No. 85; *Provided, however,* That they must be qualified to make entry under the homestead laws and also possess the qualifications as to industry, experience, character, and capital required of all applicants under this notice.

5. *Applicants must be qualified.*—No entry shall be accepted by the local land office until the applicant therefor has satisfied the Examining Board appointed for the Owyhee Project to consider such matters, that he is possessed of such qualifications (in addition to the qualifications required under the homestead laws) as to industry, experience, character, and capital, as in the opinion of the board are necessary to give reasonable assurance of success by the prospective settler.

6. *Requirements as to industry, experience, character and capital.*—Each applicant must possess good health and have had at least two years' actual experience in farm work and farm practice. He must have at least \$2,000 in money free of liability, or the equivalent thereof in livestock, farming equip-

ment, or other assets deemed by the Examining Board to be as useful to the applicant as money.

7. *Examining Board.*—An Examining Board of three members has been appointed by the Secretary of the Interior, to consider the fitness of each applicant to undertake the development and operation of a farm on the Owyhee project. Each applicant, except those described in paragraph 13 (a), must appear in person before the Examining Board, and the Construction Engineer, who is the member representing the United States, and who will act as Secretary of the board, will notify each applicant of the period of time set for his appearance and examination. The members of the board will be present at the project office when the opening is being held, and interested applicants, and particularly non-residents, will be examined at such times as it is convenient for them to be present. There must be, of course, some limit of time covering this feature, and the board will fix this limit, and will also announce such other incidental rules as will necessitate one appearance only by each applicant. Careful investigation shall be made to verify the statements and representations made by applicants, to the end that no misunderstanding may prevail, either regarding the applicant's fitness or his appreciation of the problem before him.

8. *Determination of relative standing of applicants.*—The relative standings of the applicants will be based upon a percentage rating with the following maximum weights given to the four prescribed qualifications:

Character	15%
Industry	20%
Capital	30%
Farm Experience	35%

Applicants will be rated according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules, or who do not, in the opinion of the board, possess the health and vigor necessary for active farm work:

Character	Per Cent
Fair	5
Good	6 to 10
Excellent	11 to 15

Industry	Per Cent
Fair	5
Good	6 to 10
Excellent	11 to 20

Capital	Per Cent
\$2,000 to \$2,999	27
\$3,000 to \$3,999	28
\$4,000 to \$4,999	29
\$5,000 or above	30

Farm Experience	Per Cent
2 years, any time	10

Additional credit of 2% to be allowed for each year in farming other than irrigation for more than 2 years, up to a total of 12 years (10% for 2 years, plus 2% per year up to 10 additional years), or a maximum of	10
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B. *In irrigation farming:*

2 years, any time	15
2 years, in last 4 years	20
2 years, in last 2 years	25
3 years, in last 4 years	30
3 or more years in responsible charge of irrigation farm in last 4 years	35

In determining the percentages to be given for experience under irrigated farming, the members of the examining board may reduce the percentages from 1 to 5 per cent, if, in their judgment, the experience indicated by the applicant as having been gained in other irrigated areas is not of the type that would justify his being rated for farming under the particular conditions on the Owyhee project, at any of the percentages above listed.

9. *When, and how to apply for a farm unit.*—Any person desiring to acquire any of the farm units described in paragraph 1 must, as a first step, secure from the Construction Engineer, Boise, Idaho, or from the Commissioner, Bureau of Reclamation, Washington, D. C., a farm application blank. The blanks will be available on and after the date of this notice, and full answer must be made to each question propounded therein. The farm application must designate in the first paragraph the particular farm desired. If the applicant claims a preference right on account of military service, he shall attach to this application an affidavit setting forth such military service. The affidavit shall state the applicant's time of service, the unit of which he was a member, the date on which he was honorably discharged, or separated, or transferred to the regular Army or Naval Reserve, and that he did not refuse to wear the uniform of such service or to perform the duties thereof. If the applicant claims a preference right on account of military service with the allied armies during the World War, the affidavit should also state, if true, that the service with the allied armies was similar to the service with the Army of the United States for which recognition was granted in the said Public Resolution No. 85. There shall be attached to said affidavit a copy of such honorable discharge or separation from the service, or the order of transfer to the regular Army or Naval Reserve, as the case may be, which copy shall be certified by a notary public to be a true copy of the original. In the event that the original of an applicant's honorable discharge or of such order of transfer has been lost or otherwise is not readily available, a record of his military service and of his discharge, separation or transfer under the seal of the War Department may be furnished in lieu of the certified copy of the aforementioned original, and shall be attached to said affidavit.

10. *When and where to file the farm application.*—The farm application with the proof to be furnished by the ex-service man, must be filed with the Construction Engineer at Boise, Idaho, in person, if convenient, or by mail, or otherwise, prior to December 15, 1938, if the applicant desires to qualify under paragraph 11 below. No advantage will accrue to an applicant presenting his application in person rather than by mail, and, if the applicant does not reside at Boise, his application should be mailed. Farm applications received on or after December 15, 1938 will be filed and noted in the order of their receipt.

11. *Simultaneous filing of farm applications.*—All applications received prior to December 15, 1938, the date of opening, will be held and treated as simultaneously filed.

12. *Preference rights for ex-service men not filing in accordance with Paragraph 11.*—In order that ex-service men may take advantage of the preference right as provided in Paragraph 4 of this notice, in the event that they fail to file prior to December 15, 1938, as set forth in Paragraph 11 above, their applications together with the proof to be furnished by them, must be filed in the Office of the Construction Engineer, Boise, Idaho, on or prior to March 15, 1939, the day before the date upon which the farm units herein described, except those units for which applications of ex-service men have been accepted, become open to entry by the general public. No advantage will accrue to an applicant presenting his application in person rather than by mail.

13. *Showing of applicants and selection thereof.*—(a) Where the applicant fails to make a *prima facie* case—that is, where the applicant does not possess good health or does not show at least two years' farm experience, and the assets required in Paragraph 6, the application shall be rejected and the applicant notified thereof by registered mail, and of his right to appeal to the Secretary of the Interior within 10 days from receipt of notice. Like action shall be taken where the evidence of military service is defective or not furnished. All appeals allowed under this order must be filed in the office of the project Construction Engineer at Boise, Idaho, and within 10 days from receipt of notice.

(b) Each applicant who makes a *prima facie* case and has not been previously examined by the board shall be notified by the board, by registered mail, of the time within which he must appear before it. After such personal examinations, and after consideration of the showing made in the application, the board will rate the applicant in accordance with the scale set forth above, and place such rating in red ink, with the initials of each member of the board upon the face of the farm application blank. Should the applicant fail to appear for examination after due notice, his application will receive no further consideration by the board at that time. Should he later appear his application may be considered for any farm then remaining unassigned. The date of receipt of his application shall then be considered as being the day

he actually appeared before the board. The rating necessary to establish qualification is the minimum named in Paragraph 8 of this order, and the applications of all who fail to attain this minimum shall be rejected and the applicants notified thereof by registered mail, and of the right of appeal to the Secretary within 10 days from receipt of notice. After the expiration of the appeal period and in the absence of any pending appeals, the board shall select the 29 applicants (there being 29 farm units described in paragraph 1 subject to entry) with the highest ratings and the Secretary of the examining board will issue to each of the selected applicants a certificate stating that the qualifications of such applicant to enter public lands, as required by Subsection C of Section 4 of the Act of December 5, 1924 (43 Stat., 702), have been passed upon and approved by the examining board and giving the applicant's ratings. Immediately following the selection of the successful applicants the board shall notify each of the other applicants that since the number of qualified applicants exceeds the number of available farms, it is necessary to reject all applications below the first 29 in qualification ratings. Each rejected applicant may appeal to the Secretary within 10 days. In the event that the number of qualified applicants is less than the number of available farm units, and also if in such case there are several applications for the same farm unit, the board shall assign a farm unit to each of such applicants. Whenever practicable, the board shall allow the applicants to exercise a choice of farms; and if it is found practicable to do so, the applicants will be given the right of selection, regardless of other applications, in the order of their ratings. The intent of the law is to select the best qualified applicants for the farms available, and the Government reserves the right to assign the farms regardless of individual preferences. Where two or more applicants have received identical ratings a drawing shall be made by the examining board to determine the order in which the available farms shall be awarded.

14. *Notification of applicant that he has been selected.*—After the expiration of the appeal periods in all of the contingencies named above, or any other that may arise, and in the absence of any pending appeals, the board shall notify each applicant selected for a farm, by registered mail, and enclose a water rental application for the farm selected, which must be filled in by the applicant and returned to the Construction Engineer within 10 days from receipt of notice with payment of the water rental charges, as specified in Paragraph 21 hereof. Upon receipt by the Construction Engineer of the water rental application, executed by the applicant and accompanied by the required payment, the board shall make appropriate notation on a copy of said water rental application, which will en-

title the applicant to file homestead application at the local land office, and the board will return said copy by registered mail to the applicant, together with the certificate mentioned in paragraph 13 (b) relative to the applicant's qualifications and the filing of a water rental application, which certificate must be attached by the applicant to his homestead application when he files such application at the local land office. Such homestead application shall be made within 15 days from the date of receipt of the approved water rental application. Failure to make homestead entry within the period named will render the application subject to rejection.

15. *Failure of selected applicant to complete transaction.*—If the applicant fails to comply with any of the requirements named above the board will select the next highest in qualification rating, and when the list has been exhausted, and if there still remain lands unallotted, the board will consider applications filed thereafter in the order filed, and such applications will otherwise be handled by the board as prescribed in Paragraph 13.

16. *General entry.*—On and after March 16, 1939 any farm units described in Paragraph 1 above which remain unentered, shall be subject to entry under this notice by any person having the necessary qualifications. If, on March 16, 1939, prior to 2 p. m., the number of applications filed exceeds the number of available farm units, then the right to make entry for any such farm unit shall be determined in accordance with Paragraph 13 of this order, the provisions of which shall continue in effect in a similar manner in the future if the number of applications at any time exceeds the number of remaining available farm units.

17. *Warning against unlawful settlement.*—No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

18. *All land to be included in an irrigation district.*—Substantially all of the lands covered by this public notice are within the Gem Irrigation District organized under the laws of the State of Idaho, or the Owyhee Irrigation District organized under the laws of the State of Oregon. For any of the lands covered by this notice which are not within those districts, the water rental applicant will be required to execute a water rental application in which the following clause shall be inserted:

"I agree to the inclusion of my land in the \_\_\_\_\_ Irrigation District". (The name of the district to which the land should properly be joined to be inserted by the project office.)

19. *Contracts with irrigation districts.*—(a) A contract was entered into October 14, 1926, and a supplementary contract on March 16, 1936, between the United States and the Gem Irrigation District, providing for payment of charges and operation of works. (b) A contract was entered into October 14, 1926, and a supplementary contract on March 16, 1936 between the United States and the Owyhee Irrigation District, providing for payment of charges and operation of works.

20. *Construction charges.*—The construction cost shall be paid in accordance with the contracts dated October 14, 1926, and the supplementary contract dated March 16, 1936, between the United States and the Gem Irrigation District and the Owyhee Irrigation District, which contracts are on file in the office of the Construction Engineer, Bureau of Reclamation, Boise, Idaho, where they may be examined.

21. *Water rental and other charges.*—Water rental charges shall be payable as follows:

(a) Each successful applicant for any of the farm units described above in the Gem Irrigation District, and each prospective entryman on any other farm unit covered by this notice which may become subject to homestead entry in that district, shall, before making homestead entry, pay to the United States one dollar (\$1.00) for each irrigable acre in the farm unit, as an advance initial payment for the rental of water for the season of 1939. Such payment will entitle him to two and six-sevenths (2 $\frac{6}{7}$ ) acre feet of water per irrigable acre. Additional water may be furnished during the same season at the rate of thirty-five cents (\$0.35) per acre foot, payments therefor to be made to the Gem Irrigation District in advance of its delivery: *Provided,* That, in any case where water rental application is not filed until after June 1, 1939, and no water is used during the irrigation season of 1939, initial water rental payments, made as specified in this paragraph, will be credited upon water charges coming due for the next irrigation season if the operation and maintenance of the project by the United States is continued beyond the 1939 season, or will be refunded in the event that such operation and maintenance by the United States is not so continued. *Provided, further,* That in any case where water rental application is filed on or prior to June 1, 1939, such initial payments shall be applied as water rental charges for the season of 1939, whether water is used or not.

(b) In addition to the payment of water rental charges specified in (a) above, payment must also be made to the irrigation district in which the farm unit is included of the annual assessment or assessments for district administrative purposes at the same rate and in the same manner as for similar lands in private ownership in such district.

(c) Water rental charges for privately owned lands covered by this notice shall be in accordance with Article 13 H of contract dated March 16, 1936 between the United States and the Gem Irrigation District and the Owyhee Irrigation District, and other subscribing districts of the Owyhee project.

22. *Place and manner of payment of water rental charges.*—All initial water rental charges must be paid at the office of the Bureau of Reclamation at Boise, Idaho, by cash or bank draft, cashier's check, certified check, or postal or express money order, payable to Bureau of Reclamation.

23. *Reservation of rights of way for county highways.*—Rights of way are reserved for county highways along all section lines, said rights of way being 30 feet in width on each side of said lines.

24. *Waiver of mineral rights.*—All homestead entries for any of the above described farm units, and for any lands covered by this notice which may become subject to such entry, will be subject to the laws of the United States governing mineral land and all homestead applicants under this notice must waive the right to the mineral content of the land, if required to do so by the Land Office, otherwise the homestead application will be rejected or the homestead entry cancelled.

HARRY SLATTERY,

*Under Secretary of the Interior.*

[F. R. Doc. 38-3656; Filed, December 5, 1938; 10:10 a. m.]

#### TITLE 49—TRANSPORTATION AND RAILROADS

##### INTERSTATE COMMERCE COMMISSION

#### ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY ELECTRIC RAILWAYS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 28th day of November, A. D. 1938.

In the matter of the order of July 13, 1937,<sup>1</sup> effective July 1, 1937, prescribing operating-revenue account 108½, "Protective service revenue—Perishable freight", for electric railways, the order of July 31, 1937,<sup>2</sup> changing the effective date to January 1, 1938, and the order of December 18, 1937,<sup>3</sup> changing the effective date to January 1, 1939.

*It is ordered*, That the effective date be changed to January 1, 1940.

By the Commission, division 4.

[SEAL]

W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 38-3661; Filed, December 5, 1938; 12:09 p. m.]

<sup>1</sup> 2 F. R. 1259 (1506 DI).

<sup>2</sup> 2 F. R. 1382 (1651-2 DI).

<sup>3</sup> 2 F. R. 2973 (3434-5 DI).

#### ORDER IN THE MATTER OF A UNIFORM SYSTEM OF ACCOUNTS TO BE KEPT BY STEAM ROADS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 28th day of November, A. D. 1938.

In the matter of the order of July 13, 1937,<sup>1</sup> effective July 1, 1937, prescribing operating-revenue account 117, "Protective service—Perishable freight", for steam roads, the order of July 31, 1937,<sup>2</sup> changing the effective date to January 1, 1938, and the order of December 18, 1937,<sup>3</sup> changing the effective date to January 1, 1939.

*It is ordered*, That the effective date be changed to January 1, 1940.

By the Commission, division 4.

[SEAL]

W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 38-3662; Filed, December 5, 1938; 12:09 p. m.]

[No. 3661]

#### ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Present: Frank McManamy, Commissioner, to whom the above entitled matter has been assigned for action thereon.

Regulations for the transportation of explosives and other dangerous articles by rail in freight, express, and baggage services, and by water and highway, being under further consideration:

*And it appearing*, That upon application made by interested parties, amended regulations should be established pursuant to section 233 of the Criminal Code (Transportation of Explosives Act), and upon investigation are found to be in accord with the best-known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport:

*It is ordered*, That the aforesaid regulations as heretofore published in order of May 12, 1930, be and they are hereby superseded and amended as follows, effective March 1, 1939:

Superseding and amending paragraph 201 (m) of the freight regulations, order May 12, 1930, to read as follows (*prohibited articles for transportation*):

*Ground bituminous coal, sea coal, coal facings*, 90 per cent of which will pass through a 100-mesh sieve, unless stored for at least six days after grinding, or unless shipped in tight metal tank cars, or in tight metal containers on container cars, or in permanently covered metal hopper cars, or in other tight metal containers. *Ground bituminous coal* which

has been dried by heating before grinding unless packed in air-tight metal containers.

*It is further ordered*, That the aforesaid regulations as further amended herein shall be and remain in force on and after March 1, 1939, and shall be observed until further order of the Commission;

*It is further ordered*, That compliance with the aforesaid amendments made effective by this order is hereby authorized on and after the date of approval and publication thereof;

*And it is further ordered*, That copies of this order be served upon all the respondents herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

Dated at Washington, D. C., this 29th day of November, 1938.

By the Commission, Commissioner McManamy.

[SEAL]

W. P. BARTEL,  
*Secretary.*

[F. R. Doc. 38-3663; Filed, December 5, 1938; 12:09 p. m.]

#### Notices

#### DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[Docket No. A-86 O-86]

#### NOTICE OF PUBLIC HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN OMAHA - COUNCIL BLUFFS MARKETING AREA, PREPARED AND PROPOSED BY THE NEBRASKA-IOWA NON-STOCK COOPERATIVE MILK ASSOCIATION

Whereas, the Nebraska-Iowa Non-Stock Cooperative Milk Association has requested the Secretary to hold a public hearing on a marketing agreement and order prepared and proposed by such association and designed to regulate such handling of milk in the Omaha-Council Bluffs marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement or the issuance of an order will tend to effectuate the declared policy of Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, with respect to such handling of milk in the Omaha-Council Bluffs marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce; and

Whereas, under said act notice of and opportunity for a hearing are required prior to the execution of a marketing agreement or the issuance of an order, and the General Regulations, Series A,

<sup>1</sup> 2 F. R. 1259 (1508 DI).

<sup>2</sup> 2 F. R. 1382 (1651-2 DI).

<sup>3</sup> 2 F. R. 2973 (3434-5 DI).

No. 1, as amended,<sup>3</sup> of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice;

Now, therefore, pursuant to said act and said general regulations, notice is hereby given of a public hearing to be held at the Post Office Building, Omaha, Nebraska, December 15, 1938, at 10:00 a. m., c. s. t., on the aforementioned marketing agreement and order, prepared and proposed by the aforementioned association and designed to regulate such handling of milk in the Omaha-Council Bluffs marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce.

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Omaha-Council Bluffs marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of a market wide pool, (f) payments from the pool by the market administrator to producers' association for rendering marketing services, and (g) expenses of administration.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days; and it is hereby determined that the period of notice given is reasonable under the circumstances.

Copies of the proposed marketing agreement or order may be inspected in or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Dated: December 3, 1938.

[F. R. Doc. 38-3653; Filed, December 3, 1938;  
12:42 p. m.]

[Docket No. A-85 O-85]

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN STATE OF FLORIDA

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural

Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of oranges, grapefruit, and tangerines grown in the State of Florida as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of oranges, grapefruit, and tangerines grown in the State of Florida, in the City Auditorium, Lakeland, Florida, on December 12, 1938, at 10:00 a. m. e. s. t.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each embodies, in similar terms, a plan for the regulation of such handling of the aforesaid citrus fruits as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce. Among other things, the proposed marketing agreement and order provide for: (a) the establishment of a Growers Advisory Committee and a Shippers Advisory Committee, (b) weekly regulation of the quantity of Valencia oranges to be shipped and allotment thereof to handlers, (c) regulation of shipments by grade or size, or both, (d) expenses of administration, (e) reports of shipments by handlers, (f) inspection of fruit, and other matters relating to the handling of the aforesaid citrus fruit grown in the State of Florida.

It is hereby declared that an emergency exists in the handling of oranges, grapefruit, and tangerines grown in the aforesaid area, and it is hereby determined that the period of notice of said hearing hereby given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be inspected in or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Dated: December 3, 1938.

[F. R. Doc. 38-3655; Filed, December 3, 1938;  
12:43 p. m.]

[Docket No. A-83-1 O-83-1]

NOTICE OF REOPENING OF HEARING HELD ON OCTOBER 14, 1938, ON PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF MILK IN LOWELL-LAWRENCE, MASSACHUSETTS, MILK MARKETING AREA

Whereas, pursuant to Public Act No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture held a public hearing at Dracut, Massachusetts, on the 14th day of October, 1938,<sup>1</sup> in connection with a proposed marketing agreement and proposed order regulating the handling of milk in the Lowell-Lawrence, Massachusetts, Milk Marketing Area; and

Whereas, the Secretary has determined to reopen said hearing for the purpose of receiving additional evidence as to (a) the price for class I milk and the advisability of automatically lowering such price during the spring or "flush" season, (b) general economic conditions in the marketing area which may necessitate regulation of the handling of milk in said area in order that the declared policy of the aforesaid act may be effectuated, and (c) the specific provisions which a marketing agreement and order should contain;

Now, therefore, notice is hereby given that the aforesaid hearing will be reopened on December 12, 1938, at 10:30 a. m., e. s. t., in Russell Hall, Y. M. C. A., Lawrence, Massachusetts, for the purpose of receiving additional evidence as to (a) the price for class I milk and the advisability of automatically lowering such price during the spring or "flush" season, (b) general economic conditions in the marketing area which may necessitate regulation of the handling of milk in said area in order that the declared policy of the aforesaid act may be effectuated, and (c) the specific provisions which a marketing agreement and order should contain.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area, and it is hereby determined that the period of notice of the reopening of said hearing hereby given is reasonable under the circumstances.

Copies of the proposed marketing agreement and the proposed order may be inspected at or procured from Room 0318, South Building, United States Department of Agriculture, Washington, D. C.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

Dated: December 3, 1938.

[F. R. Doc. 38-3670; Filed, December 5, 1938;  
12:45 a. m.]

<sup>1</sup> 3 F. R. 2431 D1.

## CIVIL AERONAUTICS AUTHORITY.

[Docket No. 18-401(E)-1]

## PENNSYLVANIA-CENTRAL AIRLINES CORPORATION

## NOTICE OF HEARING

DECEMBER 2, 1938.

*Application Under Section 401 (e) for a Permanent Certificate of Public Convenience and Necessity for the Transportation by Air of: (1) Mail, Passengers and Property Between Detroit, Mich., and Norfolk, Va., via Cleveland and Akron, Ohio, Pittsburgh, Pa., and Washington, D. C.; Between Detroit, Mich., and Milwaukee, Wis., via Flint, Lansing, Grand Rapids, and Muskegon, Mich., and an Extension From Grand Rapids, Mich., to Chicago, Ill.; Between Washington, D. C., and Buffalo, N. Y., via Baltimore, Md., Harrisburg and Williamsport, Pa.; Between Detroit, Mich., and Sault Ste. Marie, Mich., via Flint, Saginaw-Bay City and Traverse City, Mich.; (2) Passengers and Property Between Pittsburgh, Pa. and Buffalo, N. Y. and Between Pittsburgh, Pa. and Baltimore, Md.*

The above-entitled proceeding is assigned for public hearing on December 15, 1938, 10 o'clock, a. m. (eastern standard time) at the office of the Civil Aeronautics Authority (Hearing Room, 951 Earle Bldg.), Washington, D. C., before Examiner R. J. Bartoo.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,  
Secretary.[F. R. Doc. 38-3642; Filed, December 2, 1938;  
4:58 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. IT-5533]

## IN THE MATTER OF OTTER TAIL POWER COMPANY

## NOTICE OF APPLICATIONS

DECEMBER 2, 1938.

Notice is hereby given that on November 14, 1938, an application was filed with the Federal Power Commission pursuant to Section 204 of the Federal Power Act by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, requesting either (1) an order authorizing said company to issue four shares of Special Common Stock of the par value of \$1.00 per share for, and in conversion of each share of Special Common Stock without par value outstanding, and four shares of Founders Common Stock of the par value of \$1.00 per share for, and in conversion of each share of Founders

Common Stock without par value outstanding, such issuance to be accomplished by an amendment of its articles of incorporation; or, (2) that said application be dismissed for want of jurisdiction.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 20th day of December, 1938, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL]

LEON M. FUQUAY,  
Secretary.[F. R. Doc. 38-3648; Filed, December 3, 1938;  
10:16 a. m.]

## SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2nd day of December, A. D. 1938.

[File No. 30-127]

## IN THE MATTER OF ASSOCIATED GAS AND ELECTRIC COMPANY

## ORDER REQUIRING FILING OF STATEMENT

The Commission deeming it necessary and appropriate to the performance of its duty under Section 11 (a) of the Public Utility Holding Company Act of 1935 and to the obtaining, pursuant to Section 18 (b) of said Act, of information regarding the business, financial condition and practices of various companies in the Associated Gas and Electric Company Holding-Company System, to ascertain the condition of the investment accounts of the various subsidiary companies of Associated Gas and Electric Company, a registered holding company.

*It is ordered, Pursuant to Section 18 (a) of said Act, that Associated Gas and Electric Company file with it a statement in writing containing the following information in tabular form, as of October 31, 1938, regarding the investment accounts of itself and each of its subsidiary companies:*

1. Name of issuer or debtor.
2. Description of investment, including rate of interest, or dividends.
3. Date when investment was acquired.
4. Principal amount held:
  - (a) Shares, if applicable.
  - (b) Par or stated amount.
5. Carrying value.
6. Investments pledged:
  - (a) Amount.
  - (b) Pledgee.

(c) Nature and amount of obligation secured by pledge.

(d) Holder of obligation secured by pledge.

(e) Date when pledge will be released.

*NOTE.—Include as investments: convertible obligations, notes, open accounts of every character, and accounts receivable from companies in the Associated Gas and Electric Company Holding-Company System, Gas and Electric Associates, Associated Electric Companies and Subsidiaries, and Utilities Investing Trust and Subsidiaries.*

The information requested should be filed in triplicate, verified as required by Rule U-5B-1, and should be filed with the Commission not later than December 17, 1938.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.[F. R. Doc. 38-3649; Filed, December 3, 1938;  
11:56 a. m.]

*United States of America—Before the Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of December 1938.

[File No. 31-437]

## IN THE MATTER OF THE APPLICATION OF SOUTHERN UTILITIES COMPANY, LIMITED

## ORDER GRANTING EXEMPTION

Southern Utilities Company, Limited, having made application pursuant to Section 3 (b) of the Public Utility Holding Company Act of 1935, for an Order exempting it from the provisions of the Act applicable to it as a subsidiary of North Continent Utilities Corporation, a registered holding company; the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

*It is ordered That the said Southern Utilities Company, Limited be, and it is, hereby exempted, to the extent specified, from certain provisions of the Act applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company, as follows:*

(a) Section 6 of the Act, except that this exemption shall not extend to any issue or sale of securities which are to be publicly offered for sale within the United States or to any exercise of a privilege or right to alter the priorities, preferences, voting power, or any other right of the holders of any security which, prior to the exercise of such privilege or right shall have been publicly offered for sale within the United States, other than securities which are

owned or held directly or indirectly by associate companies in the United States;

(b) Section 9 of the Act, except that this exemption shall not apply to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by any public utility or holding company which, directly or indirectly, owns or controls utility assets located within the United States;

(c) Subdivision (2) of subsection (h) of Section 12 of the Act, except with reference to a contribution to, or in support of any political party in the United States or any committee or agency thereof;

(d) Section 13 of the Act with respect to any transactions, except the performing of services or construction for, or the sale of goods to any public utility holding company, or subsidiary thereof which is a public utility company, operating within the United States;

(e) Section 17 (c) of the Act; and

(f) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions of such section shall by their terms be made expressly applicable to a company which is not, and which has no subsidiary company which is, a public utility company operating in the United States; and

(g) Sections 11 (f), 11 (g) and 12 (e), provided however, that exemption from the provisions of Sections 11 (g) and 12 (e) shall not be applicable to any solicitation regarding any securities, other than securities owned by North Continent Utilities Corporation, or other associates of the issuer, which shall have been the subject of a public offering within the United States subsequent to the effective date of the order issued in this matter.

*It is further ordered* That the exemption herein granted shall expire on December 31, 1940, without prejudice to the right of Southern Utilities Company, Limited, to apply for an extension of the time during which such order shall be effective and also without prejudice to the right of said Southern Utilities Company, Limited, to apply at any time for such enlargement of any of the provisions of this order as it may deem appropriate.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3650; Filed, December 3, 1938;  
11:56 a. m.]

United States of America—Before the  
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Washington, D. C., on the 2nd day of December 1938.

[File No. 31-439]

IN THE MATTER OF THE APPLICATION OF  
GREAT NORTHERN GAS COMPANY, LIMITED

ORDER GRANTING EXEMPTION

Great Northern Gas Company, Limited, having made application pursuant to Section 3 (b) of the Public Utility Holding Company Act of 1935, for an Order exempting it from the provisions of the Act applicable to it as a subsidiary of North Continent Utilities Corporation, a registered holding company; the record in this matter having been duly considered; and the Commission having made appropriate findings of fact;

*It is ordered*, That the said Great Northern Gas Company, Limited be, and it is, hereby exempted, to the extent specified, from certain provisions of the Act applicable to it as a subsidiary company of North Continent Utilities Corporation, a registered holding company, as follows:

(a) Section 6 of the Act, except that this exemption shall not extend to any issue or sale of securities which are to be publicly offered for sale within the United States or to any exercise of a privilege or right to alter the priorities, preferences, voting power, or any other right of the holders of any security which, prior to the exercise of such privilege or right shall have been publicly offered for sale within the United States, other than securities which are owned or held directly or indirectly by associate companies in the United States;

(b) Section 9 of the Act, except that this exemption shall not apply to the acquisition of any utility assets located within the United States or to the acquisition of any interest in the business of, or securities issued or guaranteed by any public utility or holding company which, directly or indirectly, owns or controls utility assets located within the United States;

(c) Subdivision (2) of subsection (h) of Section 12 of the Act, except with reference to a contribution to, or in support of any political party in the United States or any committee or agency thereof;

(d) Section 13 of the Act with respect to any transactions, except the performing of services or construction for, or the sale of goods to any public utility holding company, or subsidiary thereof which is a public utility company, operating within the United States;

(e) Section 17 (c) of the Act; and

(f) Section 15 of the Act, unless rules, regulations or orders promulgated by the Commission pursuant to the provisions of such section shall by their terms be made expressly applicable to a company which is not, and which has no subsidiary com-

pany which is, a public utility company operating in the United States; and

(g) Sections 11 (f), 11 (g), and 12 (e), provided, however, that exemption from the provisions of Sections 11 (g) and 12 (e) shall not be applicable to any solicitation regarding any securities, other than securities owned by North Continent Utilities Corporation, or other associates of the issuer, which shall have been the subject of a public offering within the United States subsequent to the effective date of the order issued in this matter.

*It is further ordered*, That the exemption herein granted shall expire on December 31, 1940, without prejudice to the right of Great Northern Gas Company, Limited, to apply for an extension of the time during which such order shall be effective and also without prejudice to the right of said Great Northern Gas Company, Limited, to apply at any time for such enlargement of any of the provisions of this order as it may deem appropriate.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3651; Filed, December 3, 1938;  
11:56 a. m.]

United States of America—Before the  
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1938.

[File No. 37-33]

IN THE MATTER OF AMERICAN GAS &  
ELECTRIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

A declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

*It is ordered*, That a hearing on such matter be held on December 21, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

*It is further ordered*, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial

examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before December 16, 1938.

The matter concerned herewith is in regard to a declaration with respect to the organization and operation of a subsidiary service company for the American Gas & Electric System.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3658; Filed, December 5, 1938;  
10:57 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, 1938.

[File No. 1-2904]

**IN THE MATTER OF APPLICATION OF BADGER  
PAPER MILLS, INC., TO WITHDRAW ITS  
COMMON STOCK, NO PAR VALUE, FROM  
LISTING AND REGISTRATION**

**ORDER SETTING HEARING**

The Badger Paper Mills, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

*It is ordered.* That the matter be set down for hearing at 10 A. M. on January 4, 1939, at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

*It is further ordered.* That Henry Pitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and

to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3659; Filed, December 5, 1938;  
10:57 a. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of December, A. D. 1938.

[File No. 32-118]

**IN THE MATTER OF CENTRAL MAINE POWER  
COMPANY**

**NOTICE OF AND ORDER FOR POSTPONEMENT  
OF HEARING**

An application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

Whereas it was ordered on November 19, 1938 that a hearing on such matter be held on December 7, 1938 at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.;

And whereas, it appears to be in the public interest that said hearing be postponed;

*It is ordered.* That said hearing be, and the same hereby is, postponed until December 22, 1938, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, N. W., Washington, D. C.

*It is further ordered.* That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated at any such hearing is hereby authorized to exercise all powers that is granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such postponement is hereby given to said applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

The matter concerned herewith is in regard to a proposed issuance and sale by applicant, Central Maine Power Company, a subsidiary of New England Public Service Company, a registered holding company, of

(a) First and Gold Mortgage Bonds, Series H, 3½%, due 1966, dated August 1, 1936 and maturing August 1, 1966, in the principal amount of \$4,500,000, such issue and sale to be made by public offering through underwriters, and

(b) 5,000 shares of common stock, no par value at the price of \$100 per share; such shares to be first offered to the holders of applicant's common stock and 6% preferred stock at said price on the basis of one share for every 27.2702 of outstanding shares then held by such holders.

A portion of the net proceeds of such sales will be used by the applicant for payment of the principal and interest to maturity of applicant's First Mortgage, 30 year, 5% Gold Bonds due November 1, 1939 in the principal amount of \$3,303,000. The balance of said proceeds will be used to pay bank loans of the applicant now outstanding in the amount of \$1,225,000 and for other regular corporate purposes of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3669; Filed, December 5, 1938;  
12:39 p. m.]

**UNITED STATES CIVIL SERVICE  
COMMISSION**

**CONDITION OF THE APPORTIONMENT AT  
CLOSE OF BUSINESS WEDNESDAY, NOVEMBER 30, 1938**

*Important.*—Although the apportioned classified civil service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts, and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his State of original residence. Certifications of eligibles are first made from States which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
<b>IN ARREARS</b>		
1. Puerto Rico.....	588	41
2. Hawaii.....	140	15
3. California.....	2,184	779
4. Alaska.....	23	9
5. Texas.....	2,220	892
6. Louisiana.....	801	373
7. Michigan.....	1,845	877
8. Arizona.....	165	84
9. New Jersey.....	1,540	817
10. South Carolina.....	663	382
11. Ohio.....	2,533	1,519
12. Oklahoma.....	913	562
13. Alabama.....	1,008	623
14. Mississippi.....	766	474
15. Arkansas.....	707	439
16. New Mexico.....	161	103
17. North Carolina.....	1,208	804
18. Georgia.....	1,108	742
19. Kentucky.....	996	682
20. Tennessee.....	997	763

State	Number of positions to which entitled	Number of positions occupied	State	Number of positions to which entitled	Number of positions occupied	Net gain or loss since July 1, 1938	GAINS	
							By appointment	By reinstatement
<b>IN ARREARS—Continued</b>								
21. Wisconsin	1,120	859	26. Massachusetts	1,619	1,625	+6		
22. Illinois	2,908	2,233	27. New Hampshire	177	179	+8		
23. Connecticut	612	450	28. Wyoming	86	87	+8		
24. Oregon	363	318	29. Missouri	1,583	1,418	-37		
25. Nevada	35	31	30. Washington	596	617	+18		
26. Indiana	1,234	1,098	31. Vermont	137	142	-1		
27. Delaware	91	83	32. Colorado	395	414	+21		
28. Florida	559	523	33. Minnesota	977	1,024	+46		
29. Idaho	170	160	34. North Dakota	259	279	+24		
30. Pennsylvania	3,670	3,488	35. Rhode Island	262	286	+24		
31. New York	4,797	4,598	36. Montana	206	225	+19		
32. Utah	194	189	37. South Dakota	264	269	+7		
33. Kansas	717	706	38. Iowa	942	1,055	+113		
34. West Virginia	659	653	39. Nebraska	525	628	+103		
35. Maine	304	303	40. Virginia	923	1,037	+114		
<b>QUOTA FILLED</b>								
			41. Maryland	622	1,844	+1,222		
			42. District of Columbia	186	8,759	-3		